

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Estate of KATHERYN ROBINSON, deceased,)
by her Special Administrator, REGINALD)
ROBINSON, and Estate of WALTER BRUCE,)
Deceased, by his Special Administrator, LEE A.)
HEDRICKS,)

Plaintiffs,

v.

WEST SIDE COMMUNITY HOSPITAL, INC.,)
d/b/a SACRED HEART HOSPITAL,)
EDWARD J. NOVAK, ROY M. PAYAWAL,)
VENKATESWARA R. KUCHIPUDI, a/k/a/)
V.R. KUCHIPUDI, PERCY CONRAD MAY, JR.,)
SUBIR MAITRA, and SHANIN MOSHIRI,)

Defendants.

Case No.
13 C 6353

NOTICE OF REMOVAL

Defendant Edward J. Novak, individually and with the consent of co-defendants Roy M. Payawal, Vekateswara R. Kuchipudi, Percy Conrad May, Jr., Subir Maitra and Shanin Moshiri (collectively "Defendants"), pursuant to 28 U.S.C. §1441, hereby gives notice of the removal to the United States District Court for the Northern District of Illinois, Eastern Division, of the case styled *Estate of Katheryn Robinson, et al., v. West Side Community Hospital, Inc., et al.,* Case No. 2013-L-008445, currently pending in the Circuit Court of Cook County, Illinois. In support of this Notice of Removal, undersigned counsel states as follows:

1. This case was originally filed on July 25, 2013 in the Circuit Court of Cook County, Illinois. As required by 28 U.S.C. § 1446(a), a true and correct copy of Plaintiffs' Complaint is attached as an exhibit to this notice.

2. This case is subject to removal pursuant to 28 U.S.C. § 1441(a) because it is a civil action "of which the district courts of the United States have original jurisdiction." Specifically, Count I of the Complaint presents claims against all Defendants under the Racketeer Influenced and Corrupt Organizations ("RICO") statute, 18 U.S.C. §1961 *et seq.* See Complaint, ¶¶ 7 and 26-91. Accordingly this Court has original jurisdiction over the claim in Count I under 18 U.S.C. § 1964(c), as well as original "federal question" jurisdiction over this case under 28 U.S.C. §1331, and would have had such jurisdiction had the case been filed in this Court initially.

3. Count II of the Complaint, ¶¶ 92-103, the only other count, alleges a violation of 720 ILCS 5/33G-4, a part of the Illinois Street Gang and Racketeer Influenced and Corrupt Organizations Law. Count II in part reincorporates the allegations set forth in Count I, the federal RICO count. The allegations in Count II are "so related to" the federal claim in Count I "that they form part of the same case or controversy under Article III of the United States Constitution." See 28 U.S.C. § 1367. Count II is thus subject to the supplemental jurisdiction of this Court under § 1367, and would have been had the case been filed in this Court initially.

4. The United States District Court for the Northern District of Illinois, Eastern Division is the proper court to which this matter should be

assigned because it is the District and Division that encompasses Cook County, Illinois, where Plaintiffs' action is pending. See 28 U.S.C. §§ 93(a)(1), 1441(a).

5. Defendant Novak was served with the Summons and Complaint on August 15, 2013. This Notice of Removal is filed within thirty (30) days of that date, as required by 28 U.S.C. § 1446(b).

6. Defendant West Side Community Hospital, Inc. was voluntarily dismissed from the case on August 1, 2013. All remaining Defendants in this action consent to removal as required by 28 U.S.C. §1441(a). See *Doe v. GTE Corp.*, 347 F.3d 655, 657 (7th Cir. 2003). Written consents from all other defendants or their counsel are attached as a group exhibit to this Notice.

Respectfully submitted,

Edward J. Novak
Defendant,

By: /s/ Joel D. Bertocchi
One of his Attorneys

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CERTIFICATE OF SERVICE

JOEL D. BERTOCCHI, an attorney, hereby certifies that on September 5, 2013 he caused a true and correct copy of the attached **Notice of Removal**, with attachments: (a) to be filed with the Clerk of this Court using the Court's ECF system; (b) to be filed with the clerk of the Circuit Court of Cook County, Illinois; and (c) to be served by e-mail and by U.S. Mail on counsel for all other parties, as follows:

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